

**REMARKS**

This application has been carefully considered in connection with the Examiner's Office Action dated January 26, 2009. Reconsideration and allowance are respectfully requested in view of the following.

**Summary of Rejections**

Claims 14-23 were pending at the time of the Office Action.

Claims 14-23 were rejected under 35 USC § 101.

Claims 17-20 were rejected under 35 USC § 112.

Claims 14-17 and 21-23 were rejected under 35 USC § 102.

Claims 18-20 were rejected under 35 USC § 103.

**Summary of Response**

Claims 14, 16-18, 20, 22, and 23 are currently amended herein.

Claims 15, 19, and 21 remain as originally submitted.

Claims 1-13 and 24-31 were previously withdrawn.

The Specification has been amended.

Remarks and Arguments are provided below.

**Summary of Claims Pending**

Claims 14-23 are currently pending following this response.

**Specification**

The specification has been amended. Specifically, paragraphs 24, 39, 44, 48, 52 and 53 have been amended to correct typographical errors. This amendment is respectfully submitted not to introduce new matter, and is offered for clarification purposes only.

**Request for Interview**

Applicants request that, if the Examiner has remaining issues after consideration of the Applicant's remarks provided herein, the Examiner call the Applicant's attorney at the number indicated at the end of this paper to arrange a telephone interview to discuss the Examiner's remaining concerns and expedite prosecution of the pending application.

**Response to Rejections**

Billing processing systems sometimes must accommodate billing data from several different sources in order to execute a subsequent processing operation. This sometimes presents a problem because first, multiple originating systems may generate billing data that is not uniform across all of the originating systems, and second, any request for processing the billing data in order to output or create a secondary type of invoice using the received billing data requires tremendous customization on a case-by case basis.

Thus, the process of extracting data from multiple different systems and subsequently performing customized data processes becomes inefficient and expensive.

Accordingly, the pending application relates to a method for determining, based on a data identifier that identifies the source of data, a specific mediation process from a plurality of data processes to be applied to invoice data. Invoice data may come from a variety of sources having different formatting and relating to, for example, different users or different services. Some data may need to be normalized such that data from different sources in different formats may be utilized by a billing system to generate invoices where the billing system requires that the invoice data be provided in a specific format. Other processes may require the combination of data that are from a current time period and some future time period thus requiring a workflow adjustment that captures the current data, awaits the future data, captures the future data, then executes the combination processing. Still other processes may require specialized or customized invoices for certain customers. Thus, data that is associated with a particular customer must be identified and a mediating process identified for that customer that takes that particular customer's data and generates a customized invoice corresponding to the needs and requirements of that particular customer. Other mediating processes may be required for other data depending on the nature and identity of the source of the data. The pending application determines the source of the data, identifies an appropriate mediating process to perform on that data, and then performs the appropriate mediating process.

With regard to the art rejections, the Office Action has cited McConnell et al., U.S. Pub. No. 2003/0074313 ("McConnell"). McConnell discloses a billing manager in a gateway of a network that directs messages in real time to a real time mediation device if the message relates to a pre-pay service or alternatively to a billing log for off-line processing. McConnell does not disclose identifying from a plurality of mediating processes the appropriate mediating process to perform on data by identifying a data identifier associated with the data and determining the mediation process that is registered in the reference table that corresponds with the data identifier, but at most discloses a workflow adjustment that directs messages to one of two different modules depending on whether the message related to a pre-pay service or a billing log file for off-line processing.

This distinction, as well as others, will be discussed in greater detail in the analysis of the present claims that follows.

### **Response to Rejections under Section 101**

Claims 14-23 were rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.

The Office Action rejected claim 14 under 35 USC § 101 as not being tied to a particular machine and does not perform a transformation. A 35 U.S.C. § 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state of thing. Claim 14 has been amended

herein to recite “with a mediation process manager stored in a computer readable storage media and executed by a processor.” MPEP §2106.01(I) states “[w]hen a computer program is claimed in a process where the computer is executing the computer program's instructions, USPTO personnel should treat the claim as a process claim.”

The CAFC held that a method claim that is tied to a particular machine is statutory under § 101. In re Bilski, 545 F.3d 943, 961 (Fed. Cir. 2008). The CCPA, whose opinions like those of the CAFC are binding on the Patent Office, held that a claimed method that was performed by a digital computer was statutory. Application of Bernhart, 417 F.2d 1395, 1398-1401 (CCPA 1969) (holding that the apparatus and method claims were directed to statutory subject matter). The Bernhart decision also states that a digital computer, programmed to perform a novel and unobvious function is, in fact, a new machine, or at least an improvement to an old machine, and thus statutory. Id. at 1400. Specifically, “if a machine is programmed in a certain new and unobvious way, it is physically different from the machine without that program; its memory elements are differently arranged.” Id. at 1400. The Federal Circuit referred to Bernhart favorably and held that a general purpose computer, or microprocessor, programmed to carry out an algorithm becomes a special purpose computer and thus a new machine. WMS Gaming, Inc. v. International Game Technology, 184 F.3d 1339, 1348 (Fed. Cir. 1999) (“A general purpose computer, or microprocessor, programmed to carry out an algorithm creates “a new machine, because a general purpose computer in

effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software.”). Accordingly, under the binding precedent of Bernhart and WMS Gaming, a computer that is programmed to perform a novel and unobvious method is, by definition, a particular machine for purpose of the § 101 analysis under Bilski. See also Ex Parte Wang, 2008 WL 4448241,\*7, n.3 (Bd.Pat.App. & Interf. Sept. 30, 2008) (citing approvingly Application of Bernhart).

The mediation process manager of claim 14 comprises a particular machine per the Bilski and Bernhart decisions. Additionally, claim 14 does not merely recite steps that can be performed by a human, a factor that militated in favor of a finding in Bernhart that the method claim was statutory. For at least these reasons, claim 14 and its dependent claims are directed to statutory subject matter. Accordingly, Applicant respectfully requests the rejection under 35 USC § 101 be withdrawn.

Claims 15-23 depend directly or indirectly from claim 14, and incorporate all of the limitations thereof. Accordingly, Applicant respectfully submits that claims 15-23 are similarly directed to statutory subject matter. Applicant respectfully requests the rejection under 35 USC § 101 be withdrawn.

### **Response to Rejections under Section 112**

Claims 17-20 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

Applicants regard as the invention. Specifically, the Office Action noted that the limitation “special handling function and a workflow adjustment function on received data” render the claims indefinite. Claim 17 is amended to recite “performing the at least one of the plurality of mediation processes on the invoice data includes performing the at least one of the plurality of mediation processes with at least one of a special handling function and a workflow adjustment function on the invoice data.” Claim 18 is amended to recite “the invoice data” rather than merely “the data.” Claim 20 is amended to recite “the invoice data” rather than “the retrieved data.” Applicant respectfully requests the rejection to claims 17-20 under 35 USC § 112, second paragraph be withdrawn.

### **Response to Rejections under Section 102**

#### **Claim 14:**

Claim 14 was rejected under 35 USC § 102(e) as being anticipated by McConnell et al., U.S. Pub. No. 2003/0074313 (“McConnell”).

I. \_\_\_\_\_ McConnell does not disclose identifying a mediation process from a plurality of mediation processes that is appropriate for the particular invoice data.

Claim 14, as currently amended, recites “identifying, with the mediation process manager, the at least one of the plurality of mediation processes to perform on the invoice data by determining that the at least one of the plurality of mediation processes are registered in the reference table to correspond with the one of the plurality of data

identifiers that corresponds to the invoice data in the reference table.” Support for these amendments may be found, for example, Application at 9, ¶ [0034] lines 2-4. Claim 14 previously recited “identifying invoices having related mediation processes” which the Office Action stated is disclosed by McConnell in paragraphs [0016]-[0021]. McConnell discloses what may be described in the terms of the pending application as something akin to a workflow adjustment with the Billing Manager determining whether to route the billing data to the mediation device 7 in real time or to write the message to the billing log. (See, e.g., McConnell, ¶¶ [0017] and [0022]). McConnell does not disclose selecting from a plurality of mediation processes the appropriate mediation processes to be performed on the data. In fact, McConnell does not disclose but the one mediation process, e.g., the workflow adjustment. However, the pending application discloses numerous mediation processes that may be performed from which the appropriate one to be used for a given piece of data must be determined and performed. For example, a method according to claim 14 of the pending application may select from such mediation processes as data normalization, customized billing, customized reporting, adjustments to invoices, new call detail records, etc. (See, e.g., Application at 7, ¶ [0025]).

For at least the reasons established above in section I, Applicant respectfully submits that independent claim 14 is not anticipated by McConnell and respectfully requests allowance of this claim.



**Claims Depending from Claim 14:**

Claims 15-17 and 21-23 were rejected under 35 USC § 102(3) as being anticipated by McConnell.

Dependent claims 15-17 and 21-23 depend directly or indirectly from independent claim 14 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in section I above, Applicant respectfully submits that claims 15-17 and 21-23 are not anticipated by McConnell and respectfully requests allowance of these claims.

**Response to Rejections under Section 103****Claims Depending from Claim 14:**

Claims 18-20 were rejected under 35 USC § 103(a) as being unpatentable over McConnell.

Dependent claims 18-20 depend directly or indirectly from independent claim 14 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in section I above, Applicant respectfully submits that claims 18-20 are not taught or suggested by McConnell and respectfully request allowance of these claims.

**Conclusion**

Applicant respectfully submits that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

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